

REMARKS

In the outstanding Office Action, the Examiner rejected claims 2-8 and 10-15.

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 2 has been canceled without prejudice or disclaimer of the subject matter contained therein.

Claims 3-10, 12 and 14 remain pending under consideration in the present application, of which claims 3, 4, 12 and 14 are independent.

No new matter is presented. The rejections are traversed below.

Noted - Priority Document Received By USPTO

The indication (see Office Action Summary of the Office Action mailed October 3, 2007, boxes 12(a) as checked) that the certified copy of the priority document has been received by the USPTO is noted with appreciation.

Noted - IDS Considered

The indication (see attachment to the Office Action mailed October 3, 2007 and June 23, 2008) that the Information Disclosure Statements as filed on June 10, 2004, September 14, 2005 and October 24, 2007 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see Office Action Summary of the Office Action mailed October 3, 2007, boxes 10(a) as checked) that the Drawings (submitted on March 23, 2004) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §102

Claims 2-10, 12 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Jackson et al. (U.S. Patent Application Publication No. 2002/0152305, Jackson hereinafter).

As mentioned above, claim 2 has been cancelled herein, and so the rejection of claim 2 is moot.

INDEPENDENT CLAIM 3

As an example, independent claim 3 recites (among other things):

"the generation device generates transitions of a mean value and a maximum value of transaction occurrence amounts regarding at least two modules in each of the plurality of types of cycles in the system, displays the generated transitions on the screen, superposes the transitions of transaction occurrence amounts in the first and second types of cycles using the mean value or the maximum value selected by the operator, and generates the transition of the predicted transaction occurrence amount" (underlining is added for emphasis).

As will be explained below, at least this feature of claim 3 is a patentable distinction over Jackson.

Jackson merely describes a selected time interval or a chosen time period without any discussion of superposing the transitions of transaction occurrence amounts in the first and second types of cycles using the mean value or the maximum value. In particular, paragraph 0452 of Jackson specifically states:

For example, the cumulative amount of time that a given system or subsystem spends above the utilization threshold during a selected time interval (e.g., week, month, year, etc.) may be determined by summing up the individual logged intervals of time $\Delta t_{>TH}$ above utilization threshold TH that occurred during the selected time period (emphasis added).

A selected time interval is a single type of time interval such as week, month, year, etc. and summing up the individual logged intervals of time is not superposing the transitions of transaction occurrence amounts in the first and second types of cycles. Further, paragraph 0559 of Jackson states:

"Given a chosen time period in the past, (t1, t2), calculate an overall trend line and overall growth rate, assuming that the span of the chosen time period is at least six months (emphasis added).

A chosen time period is a single type of time period such as six months. Hence, the claim 3 reciting that "the generation device generates transitions of a mean value and a maximum value of transaction occurrence amounts regarding at least two modules in each of the plurality of types of cycles in the system, displays the generated transitions on the screen, superposes the transitions of transaction occurrence amounts in the first and second types of cycles using the mean value or the maximum value selected by the operator, and generates the

transition of the predicted transaction occurrence amount”, is patentably distinguishable over Jackson.

The resource utilization logger 1064 of Jackson is directed to a static log or record based on monitored resource utilization, where resource information or data logged by a resource utilization logger is analyzed over a course of time (e.g., historical system resource performance data). Meaning, Jackson refers only to providing totals of system resource utilization.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 3 noted above, at least one claimed element is not present in Jackson. Hence, Jackson does not anticipate claim 3.

Similarly, claim 4 recites, generating transitions of “a mean value and a maximum value of transaction occurrence amounts regarding at least two modules in each of the plurality of types of cycles in the system”, where the invention “superposes the transitions of transaction occurrence amounts in the first and second types of cycles using the mean value or the maximum value selected by the operator” (emphasis added). See also independent claims 12 and 14 reciting similar features. Jackson does not teach or suggest these features of the claimed invention.

Instead, Jackson merely describes a selected time interval or a chosen time period (see, paragraphs 452 and 559 of Jackson). Meaning, Jackson is silent regarding “superposing the transitions of transaction occurrence amounts in the first and second types of cycles using the mean value or the maximum value”, as taught by the claimed invention (see claims 3, 4, 12 and 14).

DEPENDENT CLAIMS

Claims 5-10 depend from independent claim 4, and so at least similarly distinguish over Jackson. Hence, Jackson also does not anticipate claims 5-10.

The dependent claims are also independently patentable. For example, as recited in claim 6, “obtaining data that represents a transition of a most-recent transaction occurrence...”, “using a transition of a use resource amount generated by the transition of the most-recent transaction occurrence amount as a transition of a immediately-after predicted use resource amount” and “fluctuating an immediately-after allocation resource amount of the target module.”

Jackson does not teach or suggest these features of claim 6. Jackson is silent regarding calculation or "fluctuating of an immediately-after allocation resource amount using a transition of a use resource amount generated by the transition of the most-recent transaction occurrence", as recited in claim 6.

Therefore, withdrawal of the rejection is respectfully requested.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 05/08/2009

By: Temnit Afework
Temnit Afework
Registration No. 58,202

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501